

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARCOS ABEYTA, and  
ORCHID CHAMBER, INC.,

Plaintiffs,

vs.

Civ. No. 11-1106 KG/SCY

COMMANDER STEVE WARFIELD,  
in his individual and official capacities  
and SGT. BRET WHITE and SGT. MICHAEL  
SWANSON, in their individual and official  
capacities,

Defendants.

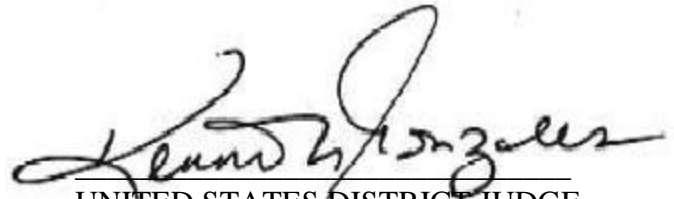
FINAL ORDER OF DISMISSAL

Having granted Defendants' Motion, and Memorandum in Support, for Judgment on the Pleadings Requesting Dismissal of Plaintiffs' Amended Complaint (Doc. 52) by entering a Memorandum Opinion and Order contemporaneously with this Final Order of Dismissal,

IT IS ORDERED that

1. Counts I, II, III, and IV of the First Amended Complaint for Civil Rights Violations, Tort Claims, and Damages (Doc. 47) are dismissed with prejudice;
2. the Count V claims against Defendants Sgt. Bret White and Sgt. Michael Swanson which are premised on events which allegedly took place prior to August 6, 2011, are dismissed with prejudice;
3. the remainder of the Count V claims against Defendants White, Swanson, and Commander Steve Warfield are dismissed without prejudice; and

4. this Final Order of Dismissal terminates this lawsuit.



UNITED STATES DISTRICT JUDGE